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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,874	02/24/2004	Yozo Hotta	03500.018005	8293
5514	7590	12/08/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			WALSH, RYAN D	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/784,874	HOTTA ET AL.	
	Examiner	Art Unit	
	Ryan D. Walsh	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 and 5-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 November 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

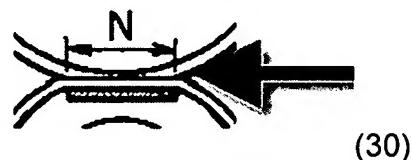
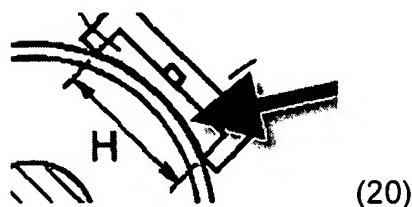
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Izawa et al. (US Pub. 2003/0118363).

Regarding claim 1, Izawa et al. teach, "An image heating apparatus (Abstract) for heating an image formed on a recording material, comprising: a conveying roller (10) for conveying the recording material; heat supply means which supplies heat to said conveying roller, said heat supply means (20) being in contact with an external periphery of said conveying roller to form a heating nip portion [0055]; back-up means (30) which forms a conveying nip portion (N) in cooperation with said conveying roller for nipping and conveying the recording material; wherein, in a rotating direction of said conveying roller, the heating nip portion has a width larger {[0133],Ln.1-6} and see (Fig. 15, ref. character H) is larger than N} than a width of the conveying nip portion, and a total pressure applied to the conveying nip portion is larger than a total pressure applied to the heating nip portion [0134], wherein said heat supply means (20) includes a heat generating member (21), a holder (24) for supporting said heat generating member, and

a flexible rotary member (19) nipped between said conveying roller (10) and said heat generating member (21) and rotating (by 17 & 18) around said holder (19 is **around** the holder), and the heating nip portion (H) is formed between said heat generating member (21) and said conveying roller (10) and between said holder (24) and said conveying roller (10)."

Regarding claim 2, Izawa et al. teach, "An image heating apparatus according to claim 1, wherein said conveying roller has an elastic layer (ref. # 12, and [0113], Ln. 2-3), and a maximum recess amount formed in said conveying roller by said back-up means (30) is larger than a maximum recess amount formed in said conveying roller by said heating means (20)." (See diagram below)



Regarding claim 3, Izawa et al. teaches, "An image heating apparatus according to claim 1, wherein a peak value in the pressure in the conveying nip portion is larger than a peak value in the pressure in the heating nip portion [0134]."

Regarding claim 5, Izawa et al. teach, "An image heating apparatus according to claim 1, wherein said heat supply means includes a non-flexible rotary member (Fig. 11, ref. # 47) having a heat source therein (46), and the heating nip portion (Fig. 11, see between 40 and 47) is formed between said rotary member and said conveying roller."

Regarding claim 6, Izawa et al. teach, "An image heating apparatus according to claim 1, wherein said heat supply means includes a heat generating member (21), and the heating nip portion (H) is formed between said heat generating member and said conveying roller and between said holder and said conveying roller."

Regarding claim 7, Izawa et al. teach, "An image heating apparatus according to claim 1, wherein the back-up means includes a flexible rotary member (ref. # 33, and [0084], Ln. 11-12) and a holder (32) provided inside said rotary member and supporting said rotary member, and the conveying nip portion (Fig. 2, ref. character N) is formed between said holder and said conveying roller, across said rotary member."

Response to Arguments

Applicant's arguments filed November 21, 2005 have been fully considered but they are not persuasive. Claim 1 has been amended to include the previous rejected claim 4, which has now been canceled. The applicant takes the position that Izawa et al. does not teach or suggest, "forming the heating nip portion between a holder for supporting the heat generating member and the fixing roller." However, Izawa et al.'s Figure 2, clearly shows, "wherein said heat supply means (20) includes a heat generating member (21), a holder (24) for supporting said heat generating member, and a flexible rotary member (19) nipped between said conveying roller (10) and said heat generating member (21) and rotating (by 17 & 18) around said holder (19 is around the holder), and the heating nip portion (H) is formed between said heat generating member (21) and said conveying roller (10) and between said holder (24) and said conveying roller (10)."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nishitani et al. (US Pub. 2002/0071700), Okubo et al. (US Pub. 2001/0019676), and Finn et al. (US Pat. # 6,829,466), each cited for their structure similarity to the present application.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Walsh whose telephone number is 571-272-2726. The examiner can normally be reached on M-F 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on 571-272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2852

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan D. Walsh
Patent Examiner
Art Unit 2852



Arthur T. Grimley
Supervisory Patent Examiner
Technology Center 2800